

Introduced by Senator Correa

February 17, 2011

An act to add Section 84305.7 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 488, as introduced, Correa. Political Reform Act of 1974: slate mailers.

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization that is sending the slate mailer and make other specified disclosures, and further requires the slate mailer organization to file periodic statements reporting payments received and expenditures made to produce slate mailers.

This bill would provide that, if a slate mailer organization sends a slate mailer or other mass mailing that displays a logo, insignia, emblem, or trademark that is identical or substantially similar to the logo, insignia, emblem, or trademark of a governmental agency or a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, and that would reasonably be understood to imply the participation or endorsement of that governmental agency or nongovernmental organization, the slate mailer organization would be required to obtain the express written consent of the governmental agency or nongovernmental organization associated with the logo, insignia, emblem, or trademark prior to using the logo, insignia, emblem, or trademark in the slate mailer or other mass mailing.

This bill would also provide that, if a slate mailer organization sends a slate mailer or other mass mailing that identifies itself or its source

material as representing a nongovernmental organization with a name that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, the slate mailer or mass mailing would be required to disclose the total number of members in the organization identified and the number of members working or living within the county in which the slate mailer or mass mailing is being delivered.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The spirit of existing state law governing the unauthorized
- 4 use of specified logos for political purposes has, at times, been
- 5 creatively manipulated by those seeking to influence the voting
- 6 public.
- 7 (b) The unauthorized use of governmental or organizational
- 8 logos, insignias, emblems, trademarks, and other identifiers of
- 9 federal, state, and local governments, and of organizations of
- 10 governmental officials, on political mailers deceives the recipients
- 11 and leads to an erosion of the public's trust. The unauthorized use
- 12 of logos, insignias, emblems, and trademarks used by public safety

1 departments, organizations, and professionals further creates a risk
2 that the public will be misled and confused as it attempts to
3 distinguish between legitimate public safety communications and
4 political propaganda.

5 (c) California’s public safety departments and organizations are
6 charged with disseminating and enforcing important emergency
7 warnings to the public, such as reverse 911 calls, Emergency
8 Broadcast System messages, red flag warnings, and other important
9 emergency prevention and evacuation orders that save lives.

10 (d) The very real potential exists for our state’s citizens to
11 disregard important public safety information in the event of an
12 emergency because they inaccurately assume that it is associated
13 with a political candidate or campaign.

14 (e) It is therefore the intent of the Legislature to ensure that
15 these logos, insignias, emblems, trademarks, and other identifiers
16 are used only with the approval of the governmental agency,
17 department, group, or organization to which the identifier belongs
18 and, in so doing, to ensure that the integrity of the identifier is
19 upheld and the public’s trust in these agencies, departments, groups,
20 and organizations is protected.

21 SEC. 2. Section 84305.7 is added to the Government Code, to
22 read:

23 84305.7. (a) If a slate mailer organization sends a slate mailer
24 or other mass mailing that displays a logo, insignia, emblem, or
25 trademark that is identical or substantially similar to the logo,
26 insignia, emblem, or trademark of a governmental agency, and
27 that would reasonably be understood to imply the participation or
28 endorsement of that governmental agency, the slate mailer
29 organization shall obtain the express written consent of the
30 governmental agency associated with the logo, insignia, emblem,
31 or trademark prior to using the logo, insignia, emblem, or
32 trademark in the slate mailer or other mass mailing.

33 (b) If a slate mailer organization sends a slate mailer or other
34 mass mailing that displays a logo, insignia, emblem, or trademark
35 that is identical or substantially similar to the logo, insignia,
36 emblem, or trademark of a nongovernmental organization that
37 represents law enforcement, firefighting, emergency medical, or
38 other public safety personnel, and that would reasonably be
39 understood to imply the participation or endorsement of that
40 nongovernmental organization, the slate mailer organization shall

1 obtain the express written consent of the nongovernmental
2 organization associated with the logo, insignia, emblem, or
3 trademark prior to using the logo, insignia, emblem, or trademark
4 in the slate mailer or other mass mailing.

5 (c) If a slate mailer organization sends a slate mailer or other
6 mass mailing that identifies itself or its source material as
7 representing a nongovernmental organization with a name that
8 includes the term “officer,” “peace officer,” “reserve officer,”
9 “deputy,” “deputy sheriff,” “police,” “highway patrol,” “California
10 Highway Patrol,” “law enforcement,” “firefighter,” “fire marshal,”
11 “paramedic,” “emergency medical technician,” “public safety,”
12 or any other term that would reasonably be understood to imply
13 that the organization is composed of, or affiliated with, law
14 enforcement, firefighting, emergency medical, or other public
15 safety personnel, the slate mailer or mass mailing shall disclose
16 on the outside of each piece of mail and on at least one of the
17 inserts included with each piece of mail in no less than 12-point
18 roman type, which shall be in a color or print that contrasts with
19 the background so as to be easily legible, the total number of
20 members in the organization identified and the number of members
21 working or living within the county in which the slate mailer or
22 mass mailing is being delivered.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 SEC. 4. The Legislature finds and declares that this bill furthers
33 the purposes of the Political Reform Act of 1974 within the
34 meaning of subdivision (a) of Section 81012 of the Government
35 Code.